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TO

Amend the Salmon Fisheries (Ireland) Acts.

A.D. 1901.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited for all purposes as the Salmon Short title.
Fishery (Ireland) Act, 1901.

2. This Act shall not apply to England or Scotland.

*Application
of Act.*

3. The thirtieth section of the Salmon Fishery (Ireland) Act, 1863, and the fourth section of the Salmon Fishery (Ireland)
10 Act, 1869, shall be and are hereby repealed.

Repeal.

4. In all the watercourses or other channels constructed for the purpose of conveying water for any purpose from any river frequented by salmon to any mill or other premises there shall be placed, fixed, maintained, and kept in thorough repair by the owner or occupier of such mill or other premises, at his own expense, at the points of divergence from and return to such river, gratings having iron bars placed vertically not more than two inches apart, so as to effectually prevent the passage of salmon into such watercourses or other channels.

*Gratings in
watercourses
of mills, &c.*

20 And any such owner or occupier neglecting or omitting so to place, fix, maintain, and keep in thorough repair such gratings as aforesaid shall incur a penalty not exceeding *ten pounds* and not less than *five pounds*, and a further penalty not exceeding *five pounds* for each day during which such gratings shall not be so placed, fixed, maintained, and kept in thorough repair, commencing from the date of the first conviction.

[Bill 26.]

A.D. 1901.

Power of
exemption
by inspectors.

5. It shall be lawful for the Inspectors of Fisheries, on the application of the owner or occupier of any mill or other premises, after public inquiry held by them, on being satisfied that such order is necessary for the effective working of the machinery of such mill or other premises, to make in writing an order exempting such owner or occupier of such mill or other premises from the necessity of complying with the provisions of section four of this Act for such period or periods of the year and on such terms and conditions as the said inspectors may in and by such order determine.

A copy of any order purporting to be signed by such inspectors shall be received in evidence in all courts.

Gratings in
watercourses
of mills, &c.
worked by
turbines.

6. In all the watercourses or other channels constructed for the purpose of conveying water for any purpose from any river frequented by salmon to any mill or other premises the machinery of which is worked by means of a turbine or similar hydraulic machine, there shall be placed, fixed, maintained, and kept in thorough repair by the owner or occupier of such mill or other premises, at his own expense, during the descent of salmon and of the young of salmon to the sea, gratings or other devices or constructions of a form and dimensions to be approved of by the inspectors of fisheries so as to effectually prevent the passage of salmon and of the young of salmon into the machinery of such mill or other premises.

And any such owner or occupier neglecting or omitting so to place, fix, maintain, and keep in thorough repair such gratings or other devices or constructions as aforesaid, shall incur a penalty not exceeding *ten pounds* and not less than *five pounds*, and also a further penalty not exceeding *five pence* for each day during which such gratings or other devices or constructions as aforesaid shall not be so placed, fixed, maintained, and kept in thorough repair, commencing from the date of the first conviction.

Power of
exemption
by inspectors.

7. It shall be lawful for the said inspectors of fisheries, on the application of the owner or occupier of any mill or other premises, after public inquiry held by them, on being satisfied that no injury is likely to be thereby occasioned to salmon and the young of salmon, to make in writing an order exempting such owner or occupier of such mill or other premises from the necessity of complying with the provisions of section six of this Act for such period or periods of the year and on such terms and conditions as the said inspectors may in and by such order determine.

A copy of any order purporting to be signed by such inspectors shall be received in evidence in all courts.

A.D. 1901.

Appeal by
any person
aggrieved by
the decision
of the in-
spectors of
fisheries.

8. If any person shall think himself aggrieved by the decision of the said inspectors in either granting or refusing any exemption under this Act as aforesaid, then such person may appeal to the next going judges at the assizes to be held for the county or county
5 of the city or town in which such mill or other premises is or are situated. Provided such assizes shall be held at any time not less than *thirty-one days* after the time the said inspectors shall have made any such decision. And in case such assizes shall be held
10 within thirty-one days from the time of such decision such appeal shall be made to the assizes to be held in and for such county or county of a city or town next after such first assizes.

Provided that no appeal shall be heard and determined unless the person so appealing shall within *ten days* from the date of such decision give notice in writing to the said inspectors, to the clerk
15 of the crown and peace for such county or county of a city or town, and to the clerk of the board of conservators of the salmon fisheries district within which such mill or other premises is or are situated, and to the owner or occupier of such mill or other premises (where such owner or occupier is not the appellant) of his intention to
20 prosecute such appeal.

And the said judges at such assizes, or any adjournment thereof, upon proof of such notice having been given, are hereby empowered and required to hear and determine the matter of such appeal, and to confirm, reverse, vary, or alter the said decision of the said
25 inspectors, and to award such costs and expenses of witnesses as they may think reasonable.

9. A board of conservators, with the consent of the inspectors of fisheries, may adopt such means as they shall approve for preventing the ingress of salmon into streams in which they or their
30 spawning beds are from the nature of the channel liable to be destroyed, but so that no water rights used or enjoyed for the purposes of manufacture, or agricultural purposes, or drainage, or navigation, shall be prejudicially interfered with thereby.

Board may
place
gratings at
mouths of
streams.

10. The Acts enumerated in the schedule to this Act annexed
35 shall be incorporated with this Act and construed together as one Act, except where and to the extent the provisions thereof are altered by this Act or are repugnant thereto or have been repealed by any statute.

Incorporation
of Acts.

A.D. 1901.

SCHEDULE.

5 & 6 Vict. c. 106.
7 & 8 Vict. c. 108.
8 & 9 Vict. c. 108.
11 & 12 Vict. c. 92.
13 & 14 Vict. c. 88.
25 & 27 Vict. c. 114.

29 & 30 Vict. c. 88.
29 & 30 Vict. c. 97.
32 Vict. c. 9.
32 & 33 Vict. c. 92.
54 & 55 Vict. c. 20.

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Salmon Fisheries
(Ireland) Acts
Amendment.

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BILL

To amend the Salmon Fisheries
(Ireland) Acts.

(Prepared and brought in by
Mr. SLOAN-KERR, M.P. THROBARN, General Lucas,
and Colonel NOLAN.)

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